

PATRICK D. MORIARTY, State Bar No. 213185

pmoriarty@aghwlaw.com

JOHN B. ROBINSON, State Bar No. 297065

jrobinson@aghwlaw.com

ALLEN, GLAESSNER, HAZELWOOD & WERTH, LLP

180 Montgomery Street, Suite 1200

San Francisco, CA 94104

Telephone: (415) 697-2000

Facsimile: (415) 813-2045

Attorneys for Defendant

CITY OF MODESTO

Sanjay S. Schmidt (SBN 247475)

LAW OFFICE OF SANJAY S. SCHMIDT

1338 Sutter Street, Suite 810

San Francisco, CA 94109

T: (415) 563-8583

F: (415) 223-9717

ss@sanjayschmidtllaw.com

Tai C. Bogan (SBN 241784)

The Bogan Law Firm, APC

615 13th Street, Suite A

Modesto, CA 95354

Phone: (209) 566-9591 x 101

Fax: (209) 566-9668

tai.bogan@theboganlawfirm.com

Attorneys for Plaintiff,

BRANDON GRAY

Bruce D. Praet SBN 119430

FERGUSON, PRAET & SHERMAN

A Professional Corporation

1631 East 18th Street

Santa Ana, California 92705

(714) 953-5300 telephone

(714) 953-1143 facsimile

Bpraet@aol.com

Attorneys for City of Oakdale Defendants

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO COURTHOUSE

BRANDON GRAY,

Plaintiff,

v.

CITY OF OAKDALE, a municipal corporation; City of Oakdale Police Department Officers DOES 1-10, individually; CITY OF MODESTO, a municipal corporation; City of Modesto Police Department Officers DOES 11-20, individually; COUNTY OF STANISLAUS, a public entity; Stanislaus County Sheriff's Department Deputies DOE 21-30, individually; California Highway Patrol Officers DOES 31-40, individually; and DOES 41-100, Jointly and Severally,

Defendants.

Case No. 1:21-cv-01086-NONE-BAM

**STIPULATED REQUEST AND ORDER TO
CONTINUE SCHEDULING CONFERENCE
AND EXTEND DUE DATE FOR JOINT
SCHEDULING REPORT**

Plaintiff, BRANDON GRAY ("Plaintiff"), by and through his counsel of record, Defendant CITY OF MODESTO ("CITY"), by and through its counsel of record, and Defendant CITY OF OAKDALE, by and through its counsel of record, hereby respectfully stipulate and request as follows:

1. On or about July 12, 2021, Plaintiff filed his operative complaint in this matter.

2. The CITY was then served with Plaintiff's Complaint, on or about September 13, 2021.

The CITY's responsive pleading deadline was October 4, 2021.

3. Pursuant to the continued meet and confer discussions of the parties, the parties, through counsel, stipulated that the deadline for the CITY to respond to the complaint be extended from October 4, 2021 to October 25, 2021, and filed a stipulation to that effect. *See* ECF No. 11.

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1 4. A stipulation has also been submitted, and signed by the Court, extending the due date
2 for a responsive pleading to be filed by the County of Stanislaus. ECF No. 10.

3 5. The City of Oakdale has filed an Answer. ECF No. 8. However, it is the understanding
4 of the undersigned counsel for Plaintiff and counsel for Defendant City of Modesto that counsel
5 for the City of Oakdale, Mr. Praet, is out of town and unavailable at present for purposes of
6 offering available dates. As such, the undersigned counsel do not know what future dates Mr.
7 Praet is available on for purposes of proposing a future date on which to continue the Scheduling
8 Conference.

9 6. In view of the extensions of time for responsive pleadings to be filed by the County of
10 Stanislaus and the City of Modesto, and the present unavailability of Mr. Praet, the undersigned
11 counsel hereby respectfully request that the upcoming Initial Scheduling Conference, currently
12 set for October 12, 2021, be continued to a to-be-determined, future date; that date preferably
13 would be submitted in a future, stipulated request. Alternatively, it can be a date selected by the
14 Court, based on the Court's availability and calendar.

15 7. Additionally, in view of the foregoing, the parties will not be able to submit the Joint
16 Scheduling Report that is due today, one week in advance of the Initial Scheduling Conference
17 that is set for October 12, 2021. As such, the undersigned respectfully request that the Court
18 excuse the filing of the Joint Scheduling Report that is due, and instead, permit the parties to file
19 it one week in advance of the continued scheduling conference.
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21 **IT IS SO STIPULATED.**

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1 Respectfully submitted,
2 Dated: October 5, 2021 ALLEN, GLAESSNER,
3 HAZELWOOD & WERTH, LLP

4 By: /s/Patrick D. Moriarty
5 PATRICK D. MORIARTY
6 JOHN B. ROBINSON
7 Attorneys for Defendant
8 CITY OF MODESTO

9 Dated: October 5, 2021 THE LAW OFFICE OF SANJAY S. SCHMIDT

10 By: /s/ Sanjay S. Schmidt*
11 SANJAY S. SCHMIDT
12 Attorneys for Plaintiff
13 BRANDON GRAY

14 Dated: October 5, 2021 FERGUSON, PRAET & SHERMAN

15 By: /s/ Bruce D. Praet*
16 BRUCE D. PRAET
17 Attorneys for CITY OF OAKDALE
18 Defendants

19 *Mr. Schmidt and Mr. Praet gave their consent to file this document via CM-ECF.
20

21 **ORDER**

22 Having considered the Parties' request, and good cause appearing, the Scheduling
23 Conference is HEREBY CONTINUED to **December 16, 2021, at 9:30 AM in Courtroom 8**
24 **(BAM) before Magistrate Judge Barbara A. McAuliffe.** The parties shall file a Joint
25 Scheduling Report one week prior to the conference. The parties shall appear at the conference
26 remotely with each party connecting either via Zoom video conference or Zoom telephone
27 number. The parties will be provided with the Zoom ID and password by the Courtroom Deputy
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1 prior to the conference. The Zoom ID and password are confidential and are not to be shared.

2 Appropriate court attire required.

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4 IT IS SO ORDERED.

5 Dated: October 6, 2021

/s/ Barbara A. McAuliffe
6 UNITED STATES MAGISTRATE JUDGE

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180 Montgomery Street, Suite 1200
San Francisco, California 94104